

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARK WALTERS)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:23-cv-03122-
)	MLB
OpenAI, L.L.C.,)	
)	
Defendant.)	
)	

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND
TO PLAINTIFF’S AMENDED COMPLAINT**

Defendant OpenAI, L.L.C., (“Defendant” or “OpenAI”), by and through its undersigned counsel, respectfully moves this Court to extend its time to respond to Plaintiffs’ Amended Complaint up to and including October 13, 2023. In support of this Motion, OpenAI shows the following:

On July 21, 2023, OpenAI filed a Motion to Dismiss Plaintiff Mark Walters’ Complaint (Doc. 12). On July 26, 2023, Plaintiff filed an unopposed motion to extend his time to respond to OpenAI’s Motion to Dismiss by five weeks (Doc. 18), which was granted that day (Doc. 19). On September 8, 2023, Plaintiff filed a Response to OpenAI’s Motion to Dismiss (Doc. 29) and an Amended Complaint (Doc. 30). Because the filing of an amended complaint moots a pending motion to dismiss, *see, e.g., ABATE of Georgia, Inc. v. Georgia*, 137 F. Supp. 2d 1349, 1353

(N.D. Ga.), *aff'd*, 264 F.3d 1315 (11th Cir. 2001), OpenAI's response to Plaintiff's Amended Complaint would therefore be due September 22, 2023, *see* Fed. R. Civ. P. 15(a)(3).

OpenAI respectfully requests that this Court extend its time to respond to Plaintiff's Amended Complaint by 21 days, up to and including October 13, 2023, as two of its key attorneys will be preparing for trial and another key attorney will be on leave in the week leading up to the current response deadline. OpenAI has conferred with Plaintiff's counsel who does not oppose the extension, no party will be prejudiced by this extension, and it is not sought for purposes of delay. As such, OpenAI respectfully requests that this Court grant its request for a 21-day extension of the deadline extend its time to respond to Plaintiff's Amended Complaint up to and including October 13, 2023.¹

¹ In the alternative, if the Court determines Plaintiff's Amended Complaint is not live, OpenAI respectfully requests the same extension up to and including October 13, 2023 for its Reply in Support of its original Motion to Dismiss.

Dated: September 14, 2023

Respectfully submitted,

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Attorneys for Defendant

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT was prepared using Times New Roman, 14-point font, in accordance with LR 5.1(B).

Dated: September 14, 2023

By: /s/ Brendan Krasinski
Brendan Krasinski

CERTIFICATE OF SERVICE

I hereby certify that, on this 13th day of September 2023, I electronically filed the foregoing UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT with the Clerk of Court using the CM/ECF system, which will send e-mail notification of such filing to all attorneys of record.

Dated: September 14, 2023

By: /s/ Brendan Krasinski
Brendan Krasinski